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July 16, 2013

VIA FAX

Honorable Gary R. Brown
United States Magistrate Judge
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722-9014

Re: T-Mobile Northeast LLC v. The Town of Hempstead and Town of Hempstead
Board of Appeals, Case Nos. CV 11-00322 and CV 11-00239
Report On Status Of Settlement

Dear Magistrate Brown:

Pursuant to the Court's June 11, 2013 Order, Plaintiff T-Mobile Northeast LLC ("T-Mobile") respectfully submits this report on the status of the above referenced cases.

On October 11, 2012, the parties met with Your Honor for a mediation. At that meeting, the parties laid out a schedule for settlement that would, among other things, involve T-Mobile installing wireless facilities on an existing water tower owned by the Franklin Square Water District (which is not a party to the litigation) as an alternative to certain sites that are the subject of the two litigations. To obtain access to the water tower, T-Mobile must first enter into a lease agreement with the Water District, since the Defendant Town does not control access to the water tower.

The first step in reaching the parties settlement is for T-Mobile to enter into a lease for access to and use of the Franklin Square Water District's water tower. As explained in T-Mobile's last letter update, T-Mobile had received a substantially redlined draft of the proposed lease from the Water District's agent. T-Mobile intends to respond to the Water District's most recent redlines in the next few days. T-Mobile hopes that there will be very few unresolved issues, and that the negotiation of the lease will be resolved shortly (although it has no control over how quickly the Water District will respond).

T-Mobile is happy to provide an updated status report in 30 days.

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Respectfully submitted,



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